A

VINDICATION

OF

ROBERT III.

KING

OF

SCOTLAND.

From the Imputation of Baſtardy, *by the clear Proof of* ELIZABETH MURE (*Daughter to Sir* Adam Mure *of* Rowallan) *her being the firſt Lawful Wife of* ROBERT *the* II. *then* STEWART *of SCOTLAND and Earl of* Strathern.

By GEORGE Viſcount of *TARBAT, &c.* Clerk to His MAJESTIES Councils, Regiſters and Rolls.

To be Sold at *Thomas Carruthers's* Shop in the Parliament-Cloſs.

EDINBURGH, Printed by the Heirs and Succeſſors of *Andrew Anderſon*, Printers to His moſt Excellent MAJESTIE, *Anno Dom.* 1695.

At *Edinburgh*, the Twenty third day of *July*, 1695 years.

THE *Lords of His Majesties Privy Council, having Considered a Petition given in to them, by* Charles Chalmers, *Shewing, that the Viscount of* Tarbat Lord Register, *having from the Authentick Records of the Kingdom, wrote a Vindication of* Robert *the third King of* Scotland, *from the Imputation of* Bastardy, *&c. and given the Benefit of Printing the same to the Petitioner, which he hath caused do well, but at Considerable Expenses; And therefore Humbly Craving to the Effect under-written as the said Petition bears: They hereby Discharge any to Print the said Book within this Kingdom, or to Import or Vend the same for the space of Twentie One years after the date hereof, without the Petitioners Licence, under the Penalty of Confiscating the Books so Printed, Imported, or Vended to the said Petitioner his use.*

Per Actum Dominorum Secreti Consilii.

GILB. ELIOT *Cls. Sti. Consilii.*

To the KING,

Sir,

ALbeit all the Crown'd Heads of Europe, *who are ſo by Inheritance, be concerned in the Vindication of the Marriage of* Robert *the* 2d. *King of* Scotland *with* Eliſabeth Mure, *yet Your* Majeſty *hath the greateſt intereſt therein: the Collection of the Proofs now Publiſhed, was made by me many years ago, and Preſented formerly in* Write *to Your* Majeſty; *I did likewiſe Communicat them to others, who have Printed imperfect Accounts thereof: and ſome* Engliſh-men *having lately Endeavoured by their ſcandalous Paſquels, to caſt* Reproach *on the Series of all the* Engliſh *Kings and Queens; and deſirous to pull thoſe of* Scotland *into the Contagion, Alleadge this only Taſh of the Baſtardy of* K. Robert *the* 3d. *Son to* Eliſabeth Mure. *If any* Engliſh-man *zealous of the Ho-*

nour

nour of their Crown and Kingdom ſhall Vindicat their Royal Family from the Libels as clearly as I have done ours, his Book may have a due Reception. this Vindication was the Deſign of my Travel, and if with that it be Acceptable to Your Majeſty, all that's wiſh't to it is then attained by,

May it pleaſe Your Majeſty,

Your Majeſties moſt Humble, moſt Faithful, and moſt obedient Subject and Servant.

TARBAT.

A VINDICATION OF ROBERT the III. KING OF SCOTLAND,

From the Imputation of Bastardy, *by the clear Proof of* ELIZABETH MURE *(Daughter to Sir* Adam *Mure of* Rowallan *) her being the first lawful Wife to* ROBERT *the* II. *then* STEWART *of* SCOTLAND *and Earl of* Strathern.

THE Excellence of History is so well writ of, by some few, that it were Indiscretion to repeat, and vanity to add to what they have said: yet it is allowable enough to regrate the frequent Error even of great Historians, in writing what they too easily believe, without sufficient Avouchers, and thereby imposeing Falshoods for Truth. If these

Errors fall on Things and Actions, they oft-times cauſe, at leaſt occaſion great Miſcheifs; Thus our Scots Writers, tho' juſtly placed in the firſt Rank, have injured the Nation, whilſt on Deſign to give a Frame to our *Jus Regni*, ſome of them have ſcrewed the Soveraignity up to Precipices; Others with as little Truth, and leſs Civility, depreſſing it to unſufferable Lowneſs: whence the great evil of Civil War hath too oft Sprung. At other times they have caſt dirt on perſons, either by their Supine Ignorance in not ſearching Records, before they publiſh their Collections; or upon malitious Deſigns to avenge ſome Diſappointments. Amongſt others, our Hiſtorians have foully fail'd, in relating what concerned *King Robert* the ſeconds Marriage, and the Legitimacy of his Succeſſion; and the faireſt Excuſe that can be made for them, is to cover their fault with the ſhade of others, who, tho' prior to them, yet did writ at a great diſtance from the Actions and Perſons of whom they wrote, and ruſhed into Falſhoods, becauſe they did writ without proof, and chooſed rather to make a Criminal Noiſe, than to keep Innocent Silence: For had our Hiſtorians been at the trouble to look into our Records before they wrote our Hiſtory, they had ſaved mine in vindicating our Royal Line and all the Hereditary CROWN'D HEADS in *Europe* from the Taſh of Baſtardie, in their Deſcent from *Robert* the ſecond, King of *Scotland*, and from *Elizabeth Mure*, or *More* his Wife, who in their Relations, is falſly ſtated a Concubine; whereas what hereafter follows, will prove neer to a Demonſtration, that She was his lawfull Wife, & ſo well ſecured in that Title, that her Husband could not be allowed to quarrel it, tho' he had inclined to do ſo, as indeed he never did. Our four Hiſtorians *Major*, *Boetius*, *Leſly* and *Buchanan*

nan have followed one another, in relating that *Robert* the STUART of SCOTLAND, Grand-child by a Daughter to *Robert* the first, & Nephew to *David* the second, whilst he was STUART of *SCOTLAND* & Earl of *Strathern*, had several Children by *Elizabeth Mure*, who was not his Wife, and since it were needless to repeat the words of all the four; I shall take *Buchanans* as the last, and of greatest credit, who speaking of the beginning of King *Robert* the 2*ds*. Reign, *page* 318 in the Francfort Edition of his History in *Octavo*, gives this account.

Rebus ita primo biennio, feliciter succedentibus, tertio ab inito Regno anno, Euphemia Regina, Hugonis Comitis, Rosiæ filia moritur, Ex ea ternos Liberos genuerat Walterum *posterius* Jerniæ, & Davidem Atholiæ *Comites, &* Euphemiam, *quam* Jacobo Douglassio *nupsisse à nobis ante commemoratum est.* Robertus *non tam impatientiâ cælibatus quam amore filiorum, ex* Elizabetha Mora, *prius gentorum ipsam Uxorem duxit. Hanc enim eleganti formâ* Adami Mori *illustris equitis filiam, adhuc adolescens vehementer amaverat, ex eaque tres filios ac duas filias susceperat, eamq;* Giffardo, *viro nobili in* Lothianam *curaverat collocandam, verum sub idem fere tempus* Euphemiâ Reginâ, & Giffardo Elizabethæ *marito defunctis, Rex sive consuetudine vetere Moræ inductus, sive (quod à multis traditur) ut filios quos ex ea genuerat legitimos faceret, matrem eorum sibi matrimonio conjunxit, filios statim divitiis & honoribus auxit,* Johannes *natu maximus* Carrictæ. Robertus Taichiæ, Alexander Buchaniæ *Comites sunt facti, adjecta etiam Badinacha: nec hac munificentia contentus, Comitis ad Sconam indictis, obtinuit, ut præteritis* Euphemiæ *liberis, in* Rege *creando, gradus ætatis observarentur: Quæ res postea tam numerosam Familiam prope extinxit.*

From whence he and many Writers since have imposed this Comment as a Truth.

Propoſition But if I prove that *Eupheme Roſs* died not in the 2*d.* year of King *Robert*'s Reign, but lived many years thereafter; that will falſifie the firſt Aſſertion of the foreſaid Paragraph. If *Elizabeth Mure*, whom he calls the Daughter of *Adam Mure*, did not only bear two Daughters to *Robert*, but ſix, then our Hiſtorians have not been well informed of the State and Concerns of that Family. If *John*, *Elizabeths* eldeſt Son was Earl of *Carrick*, *Robert* Earl of *Menteith*, and *Alexander* Earl of *Badinoch*, in the firſt year of King *Roberts* Reign; then it is falſe that theſe Honours and Eſtates were beſtowed upon them by their Father after the 3*d.* year of his Reign: *If* they were beſtowed upon them in *Eupheme Roſs*'s Lifetime, then it is falſe that they were beſtowed upon them ſometime after her Death. If the Convention of Eſtates or Parliament, who declared *John* the eldeſt Son of *Robert* by *Elizabeth Mure* to be his Succeſſor in the Crown, was kept and did ſo declare in the firſt year of King *Roberts* Reign, and whilſt Queen *Eupheme* was alive; then it is falſe that this Convention was kept, and did give this Declaration after her death, and after the 3*d.* year of King *Roberts* Reign. And if it appear plainly, that *Robert Stuart* of *Scotland*, and Earl of *Stratherne*, did, whilſt he was in theſe Stations, and long before he was King, own *John* his eldeſt Son by *Elizabeth Mure*, to be his eldeſt Son and Heir, and did ſhare his Fortune and Honours with him, and that he was ſo owned in all publick Writings by his Father, by his Fathers Vaſſals, and by theſe who contracted with his Father and him, both *Laicks and Eccleſiaſticks*, and that by many reiterated Acts; If he was ſo owned openly by King *David Bruce* before his Death; then it is a ſure Truth that he was ſo, nor could his Right of Legitimacy, and Filiation be taken from

from him, no not by his Father. And if it be true, that not only his Father, but the whole Estates of the Kingdom in Parliament conveen'd, immediatly upon *Robert* the 2*d*s. coming to the Crown, and in the first year of his Reign, did owne *John* as the undoubted Heir and Successor to *Robert*; and if at that time he was so owned by Queen *Eupheme* and all her Relations; And if *Elizabeth Mure* was dead before the year 1364; then it is false that her Children were advanced by her being married to the King in the year 1373, or after *Eupheme Rosses* death: And *John* the eldest Son's Right and Title is beyond all Controversie, tho' not beyond all Calumny. And lastly, If *Elizabeth Mure* was so far from being a mean Person or a Concubine, that she was a Person of such Quality, and near Relation to *Robert* her Husband, that he was at the Trouble to procure a Dispensation from the *Pope*, and that at considerable Expenses, for Allowance to marry her, before he obtained her: And if this Dispensation was granted several years before he was King, and many years before *Euphame Ross*'s death; Then the Insinuation of her Meanness, the Imputation of her being a Concubine, the Untruth of her being married three years, at least, after King *Robert* was KING, and indeed the whole of this Comment and false Relation, appears to be a scandalous Libel.

But all these Positions, in favours of JOHN, *appear from what follows.*

1. *Fordon* says, that Queen *Eupheme* and Bishop *Wardlaw* died about the same time, in the year 1387; *King David Bruce* died on the *7th* of *May* 1370, and *Robert* did hold his first Parliament on the *27th* day of *March* *Assumption*

March 1371 at *Scoon*, and was then Crown'd, as an authentick Record verifies; to which alſo *Buchanan* and all the other *Hiſtorians* agree, ſo that Queen *Eupheme* died not, till the 17*th.* year of King *Roberts* Regin.

There is a Charter granted by King *Robert* the 2*d.* of the Earldom of *Murray*, excepting *Lochquhaber*, *Badinoch*, *Caſtle and Barony of Urquhart*, on the 9*th.* of *March Anno Regni* 2*do. dilecto filio noſtro* Joanni *de* Dumbar, *& Mariotæ Sponſæ ejus, filiæ noſtræ chariſſimæ.*

There is a Charter by *Robert* the 2*d. Apud* Scoon *tempore Parliamenti*, *Anno Regni* 2*d. Dilecto filio noſtro* Joanni *de Yla*, of the Lands of *Moydart*, *Morvarn* and many others: And there are two other Charters in the Rolls of the Great-Seal to the ſaid *John* of *Yla*, *& Margaretæ ejus Sponſæ filiæ noſtræ chariſſimæ*, *Anno Regni* 6*to* of the Lands of *Lochaber* and *Knoydart.*

There is a Charter granted by *Kobert* the 2*d. Anno Regni nono* to *Thomas Hay* Conſtable of *Scotland*, *filio noſtro chariſſimo.*

There is another Charter in the Rolls, to him under the ſame Deſignation, *Anno Regni ſecundo*: And another to him *& Elizabethæ ejus ſponſæ noſtræ filiæ*, on the eighteen Merks *Sterling* of *Inchtuthill.*

A Charter in the Rolls by *Robert* the 3*d. Anno Regni primo*, of 200 *lib. Sterling* of the Cuſtoms of *Aberdeen*, to *David Lindſay* of *Glenesk*, *Dilecto noſtro Fratri*; and *John Dumbar* Earl of *Murray*, and *David Lindſay* of *Glenesk*, are deſigned in ſeveral of King *Robert* the *third's* Charters, *Fratres noſtri.*

There is a Charter in the Rolls granted by King *Robert* the ſecond, to *William Douglas*, Son to the Earl of *Galloway*, *& Ægidæ filiæ noſtræ chariſſimæ*, of the Earldom of *Nithſdale*, *Anno Kegni* *Nota*,

Nota, they had only one Daughter, who was called the *Fair Maid of Nithſdale*, who married *Henry de ſancto claro*, with whom he had the Earledom of *Nithſdale*, but his Succeſſors exchanged it with King *James* the ſecond for the Earldom of *Caithneſs*.

John Lyon of *Glames* did marry another Daughter of King *Robert*'s the ſecond, with whom he got the Lordſhip of *Glames*, and the Original Charter granted to the ſaid *John*, and to his Daughter is yet in the Cuſtody of the Earl of *Strathmore* his Succeſſor.

Both the Hiſtorians and ſeveral Charters in the Rolls do inſtruct, that the *Douglas* married King *Roberts* Daughter by *Eupheme Roſs*.

Theſe authentick Records of King *Robert*'s having ſeven Daughters, do ſufficiently ſhew, how ill acquainted our Hiſtorians were with the State and Condition of the King's Children, who ſay that he had but one Daughter by *Eupheme Roſs*, and two by *Elizabeth Mure*.

There is in the Rolls a Charter by *Robert* the ſecond, in *June Anno Regni primo*, to his Son *Alexander* of the ſixty *Davachs* of *Badinoch*. One the 13 of *June*, and the firſt year of King *Roberts* Reign, in a Charter granted to *Allan Lawder* of the Lands of *Whitſled* and others, *Teſtibus Willielm* and *Patric. Epiſcopis ſancti, Andræ & Brechen, Joanne filio noſtro natu maximo Comite de* Carrick, *Roberto Comite de* Menteith (which *Buchannan* calls Taichiæ) *& Alexandero Seneſcallo filiis noſtris, Gulielmo Comite de* Douglaſs, *&c.* On the 28 of *May Anno Regni primo*, there is a Charter of Confirmation granted by King *Robert* to *John Kennedy*, of the half of the Barony of *Dalrymple*, on a Diſpoſition from *Malcolm* Son to *Gilchriſt*, Son to *Adam Dalrymple* of that Ilk, *Teſtibus Epiſcopis ſancti Andreæ & Dunkelden, Johanne primo-*

primogenito noſtro & hæredi, Comite de Carrick. Another Charter in *June*, *primo Anno Regni*, of the Lands of *Badinoch*, to *Alexander* his Son (*Nota*, he was the youngeſt Son of *Elizabeth Mure*) and his Heirs, and failzing of him, to *David* his Son and his Heirs. *Nota*, *David* was the eldeſt Son of *Eupheme Roſs*) and at the ſame time, there was a Charter granted to *David* Earl of *Strathern*, of the Lands of *Urquhart*, *&c.* And the *Reddendo* of both theſe Charters, are, for Services to him and his Heirs Succeſſors to the CROWN of *SCOTLAND*. In theſe Charters, amongſt other Witneſſes, *Joannes filius noſter Comes de* Carrick, is always one. Another Charter on the 8. of *May*, *Anno Regni ſecundo*, confirming to *Paul Macktyre* ſome Lands diſponed to him by *William* Earl of *Roſs*, *Teſtibus* Wilielm *&* Patric. *Epiſcopis ſancti* Andreæ *&* Brechen. *Joanne primo-genito noſtro & hæredi Comite de* Carrick, *&c.*

In the Charters granted the firſt year of his Reign, to *David* Earl of *Strathern*, of the Lands of *Urquhart*; and the 2*d.* year of his Reign to Queen *Eupheme*, of the Lands and Caſtle of *Kinroſs*, amongſt the Witneſſes, *Joannes filius noſter natu maximus & Hæres Comes de* Carrick, is always one. There are twenty other Charters of the like Tenor, which were needleſs to adduce for Confirmation of this Truth; That in the very firſt year of his Reign, *John* was Earl of *Carrick*, *Robert* was Earl of *Menteith*, and *Alexander* was Earl of *Badinoch*: And therefore *Buchannan* and the other Hiſtorians are wrong in aſſerting, that they were preferr'd to theſe Eſtates and Dignities after *Eupheme Roſſes* Death, and after the 3*d.* year of his Reign.

But now we come to the more ſolid confutation of our Hiſtorians aſſertions, and to ſhow, that not after the 3*d.* year of King *Robert* the 2*ds* Reign, and after Queen *Euphem*'s

Euphem,s Death,but in the firſt year of his Reign, and on the 27*th* of *March* that year, being 1371, the King and Parliament do Recognoſce *John* who was afterwards called *Robert* the 3*d*. and was eldeſt Son of *Elizabeth Mure*, to be the undoubted Lineal and Legal Succeſſor to *Robert* his Father, as his eldeſt Son and Heir.

The Evidence whereof is an authentick Act and Record of Parliament, yet extant amongſt the Kings Records, to which the great Seal of the Kingdom is appended, together with other 52 Seals of the Prelates, Noblemen and Barons in Parliament aſſembled, a full and true Abſtract whereof follows.

In Nomine ſanctæ & individuæ Trinitatis, Patris, Filii & Spiritus Sancti Amen, Anno ab Incarnatione Domini milleſimo tricenteſimo, ſeptuageſimo primo, ſecundum morem & Computationem Eccleſiæ Scoticanæ, Menſis Martii *die viceſimo ſeptimo ; ſereniſſimus Princeps Dominus* Robertus *Rex* Scotorum *illuſtris, Apud* Sconam *tempore ſuæ Coronationis exiſtens, aſſiſtentibus ſibi prælatis, Comitibus, Baronibus,ac cæteris de Clero & Populo, Regni ſui ; poſt ſacra Unctionis & Coronationis ſuæ Peracta ſolennia, factaque Declaratione Juris, quo idem ſereniſſimus Princeps ſucceſſit ac ſuccedere debuit Domino* David *Regi Scotiæ Avunculo & Prædeceſſori ſuo, tam proximitate ſanguinis, quam ex quadam declaratione per quædam inſtrumenta confecta, tempore inclytæ memoriæ Domini* Roberti *Regis* Scotiæ, *avi & prædeceſſoris ipſius Domini noſtri Regis,ibidem exhibita atque lecta ; Nec non receptis homagii & fidelitatis ſolitis juramentis ab ipſis Prælatis, Comitibus, Baronibus & aliis de clero & populo ibidem exiſtentibus, in Coronatione Regum* Scotiæ *ab olim præſtari conſuetis & debitis, volens more & exemplo celebris memoriæ ejuſdem boni Regis* Roberti *avi ſui, coram*

Clero & populo, Succeſſorem & verum Haredem ſuum declare ibidem, licet de ipſo clarè conſtitit atq; conſtet ex abundanti & unanimi conſenſu & aſſenſu dictorum Prælatorum, Comitum, procerum & magnatum, indicavit, aſſeruit & recognovit, declaravit & voluit, quod cum ipſum contigerit, pro diſpoſitione divina, ab hac luce migrare, Dominus Joannes *filius ſuus primogenitus Comes de* Carrick, & SENESCALLUS SCOTIÆ *erit & eſſe debet verus & legitimus hæres ſuus, ac ſibi poſt mortem ſuam in Regno Scotiæ, domino diſponente, ſuccedet & ſuccedere debet, & poſteum ſedebit, & ſedere debebit ſuper* SOLIUM *Regni ſui. Qua Declaratione ſic facta per ipſum Dominum noſtrum Regem de præfato primogenito & hærede ſuo ex abundanti, ut ſupra, unuſquiſque prælatorum, Comitum procerum magnatum & aliorum, ibidem exiſtentium, voce propriâ, ſingulatim, pro ſe, hæredibus & ſucceſſoribus ſuis, aſſeruit, affirmavit, declaravit, recognovit & voluit; Quod idem Dominus* Joannes *poſt mortem præfati patris ſui ſuperſtes & virus, ſit, divinâ favente gratia, futurus* Rex Scotiæ *tanquam hæres legitimus ejusdem patris ſui. Promittens quilibet, bona fide, & manu in ſignum fidei dationis levata, quod eum pro* Rege, *& hærede legitimo ejuſdem patris ſui habiturus erit, ipſumque juvabit atq; defendet contra quoſcunq; mortales, nec non ſigillum ſuum ſcripto ſeu juramento ſuper hoc fiendo apponens in ſignum ſuorum conſenſus & promiſſionis prædictorum, cum ipſi ſuper hoc fuerint requiſiti. Quibus recognitione, promiſſo, & fidei datione in conſilio Domini noſtri* Regis *ſic pramiſſis & actis, idem Dominus noſter* Rex *per venerabilem virum magiſtrum* Joannem *de* Peebles *Doctorem Decretorum canonicum* Glaſguen. *Clericum ſuum, proponi fecit in publicum, qualiter ex abundanti indicavit & declaravit prefatum Dominum* Joannem *filium ſuum primogenitum, verum ſuum heredem*

redem nunc esse, & esse debere de jure, Et post mortem suam regni Scotiæ, *volente Deo* REGEM *futurum. Et qualiter præfati Comites, Proceres & alii de consilio, affirmarunt, cognoverunt, consenserunt & fide media, ut præmittitur, promiserunt: & quod populum cum clero convocari fecerat, ut in eorum præsentia & de eorum consensu unanimi fieret & publicaretur, Ne aliquis super hoc ignorantiam prætendere posset aliqualiter in futurum: Tota autem multitudo, Prælatorum Comitum & Baronum & aliorum tam cleri quam populi unanimi voluntate & clamore consono, nullo penitus reclamante affirmaverunt, recognoverunt & voluerunt ipsum Dominum* Joannem *tanquam primogenitum & hæredem Domini nostri Regis patris sui, suum fore Regem futurum, ac manu levata in signum fidei dationis promiserunt, quod eum pro Rege suo futuro, volente Deo, habituri erant post mortem patris sui, ipsumq; juvabunt atq; defendent de toto posse, contra quoscunq; mortales. Quibus sic actis, præfati Prælati Comites & Barones ibidem existentes sigilla sua huic scripto apposuerunt, ad perpetuam & futuram memoriam in testimonium omnium præmissorum, una cum signo & subscriptione publici tabellionis subscripti. Acta fuerunt hæc apud Abatiam de Scona Mense die & annis supradictis.*

Et ego Joannes Rollo *Clericus* Moravien. *Diocæsis, publicus auctoritate Apostolica Notarius, prædictis indicationi, Declarationi, Affirmationi, nec non Promissioni, manuum levationi, ac Magistri* Joannis *de* Peebles *populo publicationi, una cum venerabilibus in Christo patribus, Dominis* Wilielmo, Waltero & Patricio *sancti* Andreæ, Glasguen. Brechen. *Ecclesiarum Episcopis, ac discretis viris Dominis* Joanne *de* Carrick *Canonico* Glasguen. Wilielmo *de* Biggar, *Rectore Eccle-*

ſiæ de Errol, *Cancellario, & Camerario* Scotiæ; *nobilibus viris & potentibus Dominis*, Thoma *de* Marr, Gulielmo *de* Douglaſs, & Roberto *ſeneſcal. Comitibus*, Thoma *de* Hay & Gulielmo *de* Keith *Conſtabulario & Mariſcallo* Scotiæ, Archibaldo *de* Douglaſs, Jacobo *de* Douglaſs, Roberto *de* Erskin, Alexandro *de* Lindſay, Thoma *de* Erskin & Duncano Wallace *Baronibus ac Militi b*, *Magiſtro* Joanne *de* Peebles *ſupradicto, & multis aliis præſentibus, ad præmiſſa vocatis pariter & rogatis primo in ſecreta camera prædicti Domini noſtri Regis in ſuo ſecreto Concilio, & poſt in Camera ut dictum* —— *in publicum coram populi multitudine hoc approbante factum, Anno, Die, Menſe & locis ſupradictis indictione nonâ pontificatus ſanctiſſimi in Chriſto patris* Gregorii *undecimi divina providentia Papæ; quia preſens interfui itaque omnia & ſingula ſuperius expreſſa dum ſic agerentur ſcivi vidi & audivi, præſens Inſtrumentum manu alterius ſcriptum ſigno meo conſueto ad inſtantiam predicti Domini* Joannis, *Domini Regis primo-geniti Comitis de* Carrick SCOTIÆ *SENESCALLI, ſignavi mea propria manu ſubſcribens, vocatus pariter & rogatus, in teſtimonium omnium præmiſſorum.*

not legible.

The Names of the Subſcribers, whoſe Names and Seals are at this day extant, and appended to the Declaration and Act above inſert.

Biſhops, *St.* Andreæ, Glaſguen, Dunkelden, Aberdonen, Moravien, Roſſen, Dumblanen, Caitenen, Brechenen, Ergaden, Gallovidien, Cancellarius, Comerarius, Dumfermling, Aberbroth, Melros, Sconen, Prior *Sti.*

Sti. Andreæ, *E.* Marr, *E.* Marchiæ, *E.* Strathern, *E.* Menteith, *E.* Levenax. Dominus Jacobus de Lindſay, Conſtabular, Mariſcall, *D.* Jacobus de Douglaſs, Walterus de Leſly, D. R. de Erskin, *D.* Alexander de Lindſay, *D.* Walterus de Halyburtoun, *D.* Wilielmus de Cuninghame, *D.* Jac de Danielſtoun, *D. H.* de Eglintoun; *Prior: St* Crucis, Kelcho, Jedworth, Kilwyning, Cambuſtionel, Couper, Lindors, Newbottle, Driburgh, *D.* Alexander de Gordon, *D.* filius Walthi, *D.* Pat. de Heburn, *D.* de Diniſdeer.

The ſaid Act and Declaration rendred in Engliſh.

IN the Name of the Bleſſed and undivided TRINITY of the Father, Son and Holy Spirit, *Amen.* Upon the 27*th* day of the Moneth of *March,* and year from the Incarnation of Chriſt 1371, according to the Cuſtom and Computation of the Church of *SCOTLAND*; The moſt Renowned Prince *ROEBRT KING* of *SCOTS*, at *Scoon* the time of his Highneſs Coronation, (the Biſhops, Earls, Barons and others of the Clergy, and People of his Kingdom ſtanding by and there preſent) after the ſacred Solemnities of His Anointment and Coronation were ended, and the Declaration of his Right, by which the ſaid Illuſtrious PRINCE did ſucceed, and ought to ſucceed to *David* KING of *SCOTLAND* his Uncle and Predeceſſor, as well by propinquity of Bloud, as upon the Account, and by Reaſon, and by vertue of certain inſtruments made in the time of *ROBERT KING* of *SCOTLAND* his Goodſir and Predeceſſor of worthy Memory, then opened up and publickly read; And the uſual Oaths of Homage and Fidelity being taken by the ſaid Prelats,

Earls,

Earls, Barons, and others of the Clergy and People there preſent, uſed and wont of old to be exacted at the Coronation of the KINGS of SCOTLAND: Being deſirous after the Cuſtom and Example of the foreſaid Good KING *ROBERT* his Grand-father of bleſſed Memory, to declare before the Clergy and People his Succeſſor and true Heir, tho' the ſame did clearly appear, and might abundantly be known by the unanimous Conſent and Aſſent of the ſaid Prelats, Earls, Lords and Barons: His Sacred Majeſty did Declare, Aſſert, Acknowledge, Manifeſt and Will, that whenever it ſhould happen his Highneſs, at the pleaſure of Almighty GOD, to depart from this Life, Lord JOHN his Majeſties eldeſt Son Earl of *Carrick* and STEWART of of *SCOTLAND*, ſhould and ought to be his lawful Heir, and after his Highneſs Death, ſhould ſucceed to him in the Kingdom of *SCOTLAND*, by the providence of GOD; And that after him, he ſhould ſit, and ought to ſit upon the THRONE of the Kingdom: Which Declaration being ſo emitted by our Soveraign Lord the KING himſelf, concerning his ſaid eldeſt Son and Heir; Every one of the ſaid Prelats, Earls, Lords, Barons and others there preſent, with a full Voice, one by one, for himſelf, Heirs and Succeſſors did Aſſert, Affirm, Acknowledge, Declare and Will, that the ſaid Lord JOHN after the death of his ſaid Father, being to the fore, and on Life, by the grace of GOD, ſhould be KING of *SCOTLAND*, as lawful Heir of his ſaid Father; Promiſing each of them, *bona fide*, and having their Hands lifted up to Heaven, in token of their Sincerity, that he ſhould be had and eſteemed as their KING, and lawful Heir of his ſaid Father; And that they ſhould Aſſiſt and *D*efend him againſt all Mortals: As alſo, that they

they ſhould Append and put their Seal to the Act or Statute to be made thereupon, in token of their Conſent and Promiſe of theſe things, whenever they ſhould be required thereto: Which Acknowledgment, Promiſe and Oath, given by them in the Council of our Soveraign Lord; *the King*'s *Majeſty*, did cauſe the Right Venerable Mr. *John Peebles*, Clerk of the Records of the Dioceſs of *Glaſgow*, to Inſert and Record in publick Regiſter; That foraſmuch as he had ſufficiently declared the ſaid Lord JOHN, his eldeſt Son, to be now his true Heir, and that by Law, he ought after his death, at the Diſpoſal of GOD, to be KING of the Kingdom of *SCOTLAND*; And that foraſmuch as the ſaid Earls, Lords, and others of the Council, did Affirm, Acknowledge, Conſent and by Oath, as ſaid is, Promiſe; And that his Highneſs had called the People with the Clergy, to the effect, in their preſence, and by their unanimous Conſent, the ſame might be Decreed and Publiſhed, leaſt any ſhould pretend Ignorance of this, any manner of way in time-coming: The whole Multitude of Prelats, Earls, and Barons, and others as well of the Clergy as People, with one accord, unanimous Conſent, and Will (none at all gainſaying) Did Affirm, Acknowledge and Will, That the ſaid Lord JOHN, as eldeſt Son and Heir of our Soveraign Lord the KING his Father, ſhould be their KING; And with Hands lifted up to Heaven, in token of their ſincerity, promiſed, that they ſhould have and eſteem him, after the death of his Father, for their future KING, by the ſtrength of Almighty GOD; and that they ſhould Defend and Aſſiſt him, with all their Might, againſt all deadly. Which things being ſo done, the ſaid Biſhops, Earls and Barons there preſent, did Append and put their Seals to this *Decree*

cree for ever; In teſtimony of all the Premiſſes, together with the *Sign* and *Subſcription* of the publick Clerk under-ſubſcribing. Theſe things were done at the *Abbacy* of *Scoon*, Day, Moneth and year of GOD above-written. *&c.*

Here is only the Moſt authentick Evident, which perhaps *Europe* can ſhew, giving an irrefragable Proof, that *John* afterwards called *Robert*, eldeſt Son to *Elizabeth Mure*, was in the firſt year of his Fathers *Reign*, owned and acknowledged, as his eldeſt lawful Son and Heir, and undoubted Succeſſor to the Crown; and that in the lifetime of Queen *Eupheme*, to which her Son in law the Earl of *Douglaſs* his Seal amongſt others, is appended: And therefore *Elizabeth Mure*, his Mother, was lawful Wife to *Robert* Earl of *Strathern*, afterwards KING; and conſequently it is falſe that theſe Children were only legitimat by King *Roberts* marrying their Mother after Queen *Euphems* death, and after the third year of his Reign, And that the Act of Parliament recognizing *John* as ſuch, was paſt in the fourth year of the ſaid King's *Reign*. This ſolemn Act and authentick *Record* yet extant, doth evidence to a Demonſtration, to the diſhonour of thoſe negligent *Hiſtoriographers*, who did write ſo confidently, what this Act and Inſtrument doth ſo clearly canvel: Nor is it ſo by this great Act only, but by very many other authentick Documents ſtanding in Record, as a Charter granted on the 13*th* of *June Anno Regni primo* to *Allan Lawder* of *Whitſled*, and the other Charters before mentioned, and twenty others not mentioned, which all bear Record, that in the firſt year of King *Robert* the ſeconds Reign, and in Queen *Euphems* Lifetime, the KING, the Prelats, the Lords, and all who received Charters from the King, did look on the

ſaid

ſaid *John* as his undoubted eldeſt Son and Heir, Earl of *Carrick*, and *STEWART* of *SCOTLAND*, and the Charters granted to, and received by Queen *Eupheme*; by her Son *David* and her Son *Walter* for ſervices to the King and his Heirs, do carry in them, *John* is the undoubted eldeſt Son and Heir.

Albeit what is ſaid ſeems demonſtrative enough, yet to leave no part of this injurious Lybel unranſaked; We ſhall next ſhew, that before *Robert* the ſecond, yea very many years before, whilſt he was Earl of *Strathern* and STEWART of *SCOTLAND*, JOHN his Son was owned by him, and by the whole Nation, as his eldeſt Son and Heir.

There is a Charter, wherein *Robertus Seneſcallus Scotiæ, Comes de Strathern, &* Joannes Seneſcallus *filius noſter primo-genitus & Hæres*, confirm a Mortification made by *Reginaldus More, Pater Wilielmi More, Equitis* to the Abbacy of *Paſly*, recorded in their Regiſter, which, tho' it want a Date, yet there follows in the ſame Regiſter, a Charter given by the ſaid *Robert Seneſcallus Scotiæ*, confirming all Gifts given by his Predeceſſors and himſelf to the Abbacy of *Paſly*, dated *anno* 1361, which was nine years before he was KING; In which, amongſt other Witneſſes, *Joannes Seneſcallus Dominus de Kyle primogenitus noſter*, is one: Which verifies alſo, that his Father did communicat his Honours and Eſtate with him at that time. This Charter is recorded in Fol. 39. of the Regiſter of *Paſly*.

In the year 1328. on the thirteenth of *February*, there is a Submiſſion recorded in the ſaid Regiſter of *Paſly*, betwixt the Procurator of the ſaid *Abbacy*, called *Andrew Kelcho*, who was Prior of the Abbacy on the one part, and Reginald *More* or *Mure* Procurator for the Maſter Chan-

nons and Monks of *Simpringhame*, concerning 40 Merks of Annuity, payable by the Abbacy of *Paſly* to *Simpringhame*; and aſſigned by them to the ſaid *Reginald*: On which ſubmiſſion, the Abbot is decerned to pay the 40 Merks to Reginald and his Succeſſors, he getting a ſufficient Write from thoſe of *Simpringhame*, to ſecure *Paſly* for what they pay: And for further Security to the Abbacy Reginald and his Son Sir *William* conſign a Write diſponing his Lands of *Sanackar*, *Camſeſtrang*, *Doulargis*, *Cowdams*, *Stafflour* and *Hormiſdale*, lying in the Baronies of *Renfrew* and *Cowall*, in Warrandice to the Abbacy, for ſecuring them until he produced the ſaid Writing from *Simpringhame*, as ſaid is; he having failed for two years to procure the ſaid ſecurity from *Simpringhame*, thoſe of *Paſly* addreſſed to *Robert* Earl of *Strathern* STEWART of SCOTLAND, and to JOHN his eldeſt Son and Heir, Who were Superiors of the Lands diſponed by *Reginald* to them, for their Security, deſiring a Charter, whereby they might be ſeaſed in the ſaids Lands; Which *Robert* and his ſaid Son did grant, and it is recorded *in Folio* 16. of the old Regiſter of *Paſly*: The Charter is long, and therefore I have only abſtracted out of it, what is uſeful for our purpoſe, as follows.

OMnibus hanc Cartam viſuris vel audituris, Robertus SENESCALLUS *Scotiæ*, *Comes de* Strathern, *&* JOANNES *SENESCALLUS primo-genitus & Hæres ipſius*, *Dominus Baroniæ de Kyle ſalutem in Domino ſempiternam*, *cum dudum Reginaldus More pater domini* Wilelmi More *militis conceſſerit*, *& pro ſe & hæredibus ſuis firmiter obligaverit*, *omnes terras ſuas ſubſcriptas in Baronia de Kyle*, *& de Cowall.* viz. *Terras de Sanakar*, *de Camſeſtrang*, *de Doulargis*, *de Cowdams*, *de Stafflour & terram de Hormiſdale*, *& quaſcunq; alias terras ſuas & poſſeſſions*

ſeſſiones, infra dominum noſtrum exiſtentes, religioſis viris Abboti & conventui monaſterii de Paſleto, *ordinis cluniacenſis, Glaſcuenſis dioceſis, fore applicandas & perpetuis eorum uſibus appropriandas, in caſu quo ante primam ſolutionem ſibi faciendam, cujuſdem annui redditus quadraginta Mercarum. In quo dicebat idem Reginaldus dictos Abbatem & conventum magiſtro, Canonicis, & Monialibus de* Sympringhame *in Anglia ſingulis annis obligat, Literas quietæ clamationis & perpetuæ ſecuritatis, a prædicto Magiſtro Canonicis & Monialibus de* Sympringhame *non procuraret, ac eiſdem Abbati & conventui Monaſterii de* Paſleto, *prædictarum literarum prætextu & virtute munitis, prædictis Magiſtro Canonicis & Monialibus de* Sympringhame *de prædicto annuo redditu, in toto vel in parte, non tenerentur in perpetuum, ulterius reſpondere, ac ſuper hoc prædictus Reginaldus, pro ſe & hæredibus ſuis ſubjecerit prædictas terras voluntati, ordinationi & cognitioni SENESCALLI Scotiæ, qui pro tempore fuerit patronus dicti Monaſterii de* Paſleto, *quod libere poſſit in favorem dictorum religioſorum virorum Abbatis & Conventus Monaſterii de* Paſleto *ad requiſitionem earundem, ſine aliqua difficultate, ipſis dare ſaſinam de terris & poſſeſſionibus ſupradictis; prout hæc & alia in patentibus literis Reginaldi More ſigillo ſuo ac ſigillo noſtro* Roberti *SENESCALLI Scotiæ ſupradicti, necnon ſigillo officarii Curiæ* Glaſcuenſis, *plenius vidimus tineri. Nos vero Robertus* SENESCALLUS *Scotiæ ſupradictus, &* Joannes Seneſcallus *ipſius filius dominus de Kyle, per Abbatem & Conventum Monaſterii de* Paſleto, *cum conſtantia requiſiti, quod cum dictus Reginaldus & dominus* Wilielmus *filius ſuus & hæres per dictum annuum redditum per plures annos a tempore dictæ obligationis & promiſſionis factarum adictis religioſis viris percepit, ac ipſi per captionem Namorum & compulſionem ter-*

rarum ſuarum aliquando, maxime per dictum dominum Wilielmum More *coacti & compulſi, ipſum annuum redditum perſolverunt, nulla Litera Quittationis aut ſecuritatis promiſſa, pro parte dicti Reginaldi, aut dicti Domini* Gulielmi, *juxta formam dictæ ſuæ obligationis eiſdem Abbati & conventui Monaſterii de Paſleto deportata, exhibita vel oſtenſa cederemus addandam ſaſinam eiſdem religioſis viris, Abbati & conventui Monaſterii de Paſleto, de terris & poſſeſſionibus ſupradictis, juxta dictarum literarum continentiam atque formam, volentes ad requiſitionem earundem & virtute obligationis prædictæ ſubmiſſionis in nos factæ prædictis Abbati & Conventui Monaſterii de Paſleto ſuper præmiſſis de remedio debito providere, ipſas terras,* viz. *Terram de ſanakar, de Camſeſtrang, de Doulargis, de Coudams, de Stafflour, terram de Hormieſdale, in manibus noſtris, ex unanimi noſtro conſenſu, propter hoc prius ſaſitas ad tempus, & ex cauſa Deo, beatæ Mariæ, ſancto Jacobo, ſancto Marino, & religioſis viris, Abbati & Conventui Monaſterii de Paſleto ibidem Deo ſervientibus & ſervituris in perpetuum, Damus concedimus & hac præſenti Cartà noſtrà confirmamus,* &c. *In cujus rei teſtimonium præſenti Cartæ ſigilla noſtra ſunt appenſa, his teſtibus venerabili patre domino* Roberto *Abbate de* Kilwinning, *Domino Hugone de* Eglingtone, *Domino ejuſdem, Domino Alexandro Seneſcallo Domino* Cruickſtoun, *Domino Joanne de* Danielſtoun *domino ejuſdem, Domino Adam Fullartoun Domino de* Corsbe *militibus, Thoma Sempil Dominò de* Egliſtoun, *Joanne de* Maxweltoun *Domino de* Pollock *& aliis.*

This Charter alone were proof enough, for here are many Witneſſes of good Quality, and the neareſt Neighbours, who being Witneſſes, that JOHN the Son of *Elizabeth*

Elizabeth Mure was repute and known to be the eldeſt Son and Heir of *Robert* STEWART of SCOTLAND, long before he was King, long before the deceaſe of *Eupheme Roſs*, and that as ſuch, he ſhared with his Father in his Eſtate aud Honours; and albeit it want a date, yet ſince it confirms a Writing made by Reginald *More* in the year 1320, and that it is regiſtrat ſhortly after the Regiſtration of the ſame Writing, there is no reaſon to doubt that it was made long before he was KING.

But not to rely on one Teſtimony or Proof, there are many *Mediums* which prove our Aſſumption. There is another Charter dated in the year 1361, on the 20 of *July*, as follows,

Omnibus hanc Chartam viſuris vel audituris, [Robertus *SENESCALLUS Scotiæ Comes de* Strathern, *ſalutem*; *ſciatis nos ob reverentiam Domini noſtri Jeſu Chriſti, beatiſſimæ virginis* Mariæ, *beati* Jacobi, *ſancti marini, ac omnium ſanctorum, & pro ſalute animæ noſtræ, & anteceſſorum & ſucceſſorum noſtrorum, Ratificaſſe approbaſſe & confirmaſſe religioſis viris Abbati & Conventui Monaſterii de Paſleto, ibidem Deo ſervientibus & ſervituris, in inviolabilem, puram & perpetuam Elymoſinam, omnes Donationes, Conceſſiones, Confirmationes & infeodationes, quas anteceſſores noſtri eiſdem religioſis viris caritativè contulerunt*: *Et ut voluntatis noſtræ intentio lucidius eluceſſcat iterando concedimus & donamus totales terras de* Aldhouſe, *de* Ardeſtoun, *de Inſula* Monachorum, *inter* Kert *&* Grief *de* Fultoun, &c. *Eoſdem etiam viros religioſos, ex gratiæ noſtræ ferventis abundantia, ab omnimodis ſervitiis ſecularibus eximimus, eruimus, liberamus:*

mus: *In cujus rei teſtimonium ſigillum noſtrum præſentibus eſt appenſum apud* Clunie *ſecundo die* Julii *A. D.* 1361. *Teſtibus* Joanne SENESCALLO *Domino de* Kyle *primo-genito noſtro*, Waltero *ſeneſcallo dilecto filio noſtro*, Joanne *de* Roſs, Stephano *de* Roſs, Gulielmo *de* Balcaskie, Gulielmo *de* Lindſay *& multis aliis.*

Take yet another Charter.

Robertus *SENESCALLUS* Scotiæ, *Comes de* Strathern, *ſalutem in Domino ſempiternam, noverit univerſitas veſtra, nos de conſenſu & aſſenſu dilecti primo-geniti noſtri & hæredis* Jonnis SENESCALLI *Comitis de* Carrick, *dediſſe & conceſſiſſe, & hoc præſenti ſcripto noſtro confirmaſſe dilecto noſtro* Allano *de* Laudre *tenente noſtro in* Whitſled, *pro bono & fideli ſervitio nobis impenſo & impendendo, omnia proficua & ſervitia debita ſeu debenda*, viz. *Wardas cum Maritagiis, relevia, albas firmas & eorum duplicationes cum Eſchaetis Curiarum, & ſervitiis libere tenentium de tenendriis de* Lukieſide, Legerwood, Monſton *&* Aldinniſton *cum pertinen. in perpetuum, infra Comitatum de* Berwick *ſuper* Twedam, *tenend. de nobis* &c. *Reddendo dictus* Allanus *& hæredes ſui, Domini de* Whitſled *unum denarium*, &c. *Nos vero* Robertus *SENESCALLUS* ſcotiæ *prædictus & hæredes noſtri prædicti, Barones de* Renfrew *totam terram prædictam warrantizabimus & defendemus dicto* Allano *& hæredibus*, &c. *In cujus rei teſtimonium huic præſenti Cartæ noſtræ ſigillum noſtrum eſt appoſitum, una cum ſigillo hæredis noſtri prædicti, apud* Renfrew, *Teſtibus Domino* Roberto *de* Erskin, Joanne *de Danielſtoun &* Adam *de* Fullartoun *militibus.*

Whilſt

Whilſt *Robert* the 2*d.* was Earl of *Strathern*, *John* as Lord of *Kyle* did grant a Charter to *John Fullertoun*, Son to *Adam Fullertoun* of *Harperland* and Eaſter and Weſter *Calnes* in *Kyle Stewart*; which Charter of his, is confirm'd to the ſaid *John Fullertoun*, by his Father King *Robert anno regni primo.*

There is a Charter granted by King *Robert* the 2*d.* whilſt he was Earl of *Strathern*, with Conſent of *John* his eldeſt Son and Heir to *Allan Lawder* of the Lands of *Whitſlet* and *Moriſtoun* in *Berwick* Shire, ſealed by his own Seal, and by the Seal of *John* his eldeſt Son and Heir; Which Charter is confirmed by him when KING, *anno regni primo*: This *Allan* is afterwards deſigned *Allan Lawder* of *Hattoun*, in a Charter granted to him by the ſaid KING of the Lands of *Ratha* in *Edinburgh Shire*, *Anno Regni ſeptimo.*

Theſe Charters and many others extant on Record, do ſufficiently evince, that *John* Son to *Robert* Earl of *Strathern*, was own'd by his Father, as his eldeſt Son and Heir, and did ſhare with him, in his Honours and Eſtate long before he was KING, longer before *Eupheme Roſſes* death; yea, in the whole tract of her Lifetime, and likeways by *Eupheme Roſs* her ſelf, and by her Children, who did take all their Charters, either with the ſaid *John*'s Conſent, or admitting him as Witneſs in their Writings, under the Deſignation of the King's eldeſt Son and Heir. It is alſo clear, that he was owned under that Deſignation by his Fathers Vaſſals, who did take their Charters from the Father always with His Conſent, with the ſolemnity of his Seal, as well as his Fathers, and always under the Deſignation of his eldeſt

ſon

Son and Heir. The Biſhops, Lords and Gentlemen of the beſt Quality in the adjacent Countrey owned him as ſuch, in being Witneſſes with him, under that Deſignation: But if ſuch a Cloud of Witneſſes and Writings do leave any doubt, then that of a whole Kingdom can leave none: And this we have alſo; For the Biſhops of *Scotland* had no Right to diſpoſe of their Moveables by Teſtament: King *Robert* the *Bruce* had promiſed to give them this Priviledge, yet had not performed it before his death; King *David Bruce* his ſon, in one of his laſt Parliaments, paſſes a Deed, by way of Act, narrating his Fathers Promiſe and Reſolution; And therefore he ratifies the ſaid Promiſe, and of new grants and confirms to all the Biſhops in *Scotland* Power and Priviledge to diſpone their Moveables by Teſtament: Which authentick Act and Deed ſtands recorded in the Records of the Great-Seal, and is as follows.

DAVID *Deigratia Rex* Scotorum, *notum facimus univerſis, quod licet ex conſuetudine ab antiquis introducta, temporibus & continuata uſque præſens, per nos & prædeceſſores noſtros extitit, tanquam pro privilegio ſpeciali ſervatum, quod bona quecunq; mobilia, Epiſcopis Regni noſtri, tempore mortis ipſorum, Regiis ſic applicata ſunt uſibus, quod ab ipſis Epiſcopis, in ſuis teſtamentibus condendis ſuper bonis diſponen. hujuſmodi omnino fuerit hactenus adempta facultas; Quia tamen tam per cleri noſtri, quam aliorum de noſtro Conſilio prudentiam, ſumus cum veris & lucidis rationibus informati, quod conſuetudo hujuſmodi ceſſit hactenus & in poſterum cedere demonſtratur in indecentiam honeſtatis Eccleſiæ, & in opprobrum ſtatus cleri: Nos ob reverentiam divini Nominis, & ad inſtantiam Prælatorum, ſuper hoc nobis inſtanter ſupplicantium, & de conſenſu*

conſenſu & aſſenſu Roberti SENESCALLI Scotiæ *nepotis noſtri & liberorum ſuorum, nec non aliorum Baronum & procerum, ac communi Comitatuum Regni noſtri in pleno noſtro* Parliamento, *tento apud* Perth, *pro nobis, noſtriſq; hæredibus & ſucceſſoribus, de gratia noſtra ſpeciali concedimus & præſentium literarum ſerie confirmamus, quod omnes & ſinguli Epiſcopi Regni noſtri, tam poſtea quam præſentes de quibuſcunq; Mobilibus ſuis, tempore mortis ſuæ, ſua teſtamenta condere valeant, & pro ſua voluntate diſponere ſine aliquo objectu, contradictione vel impedimento, dicta conſuetudine, ſive uſu longævi temporis in contrarium non obſtante, terris tamen, redditibus, dominiis & ſervitiis quibuſcunque ipſorum epiſcopatuum cum pertinentiis, nec non juribus patronaum eccleſiarum, quæ ad regaliam noſtram pertinere conſueverint & adhuc pertinent, ſede vacante & omnibus & ſingulis aliis præter expreſſa ſuperius juri regio, voluntatiq; & diſpoſitioni noſtri, hæredum ac ſucceſſorum noſtrorum in omnibus & per omnia reſervatis : Et ſi contigerit aliquem ipſorum Epiſcoporum Regni noſtri, aliquo unquam tempore, quod abſit, ab inteſtato decedere, volumus & tenore præſentium concedimus, pro nobis & noſtris hæredibus & ſucceſſoribus in perpetuum, quod Amici propinquiores dictorum Epiſcoporum, de univerſis ſuis bonis Mobilibus, abſq; quocunq; impedimento per nos aut Miniſtros noſtros faciendo, diſponere, pro ſuæ libito voluntatis, prout pro ſalute animarum ipſorum Epiſcoporum melius videat expedire. Et propter præfatam gratiam, ipſis Epiſcopis præſentibus & futuris conceſſam, ipſi & eorum ſinguli ac ſucceſſores eorundem, pro nobis in vita noſtra, & poſt mortem, pro anima noſtra & anima, recolendæ memoriæ, Domini patris noſtri, nec non pro ſalubri ſtatu cujuslibet hæredum & ſucceſſorum noſtrorum, dum vixerint,*

& pro animabus eorundem, cum ab hac luce migraverint in Cathredralibus Ecclesiis continuo unam Capellam perpetuam, qualibet cathedrali Ecclesia constituend: unam missam facient in perpetuum specialiter celebrari, praeter missas & alia orationum suffragia, ad quae antecessoribus & successoribus nostris ex debito jam tenentur. In cujus rei testimonium has literas nostras ad perpetuam rei memoriam duraturas sigilli nostri authentici fecimus appensione muniri, testibus Roberto SENESCALLO *Comite de* Stratherne *Nepote nostro supradicto,* Joanne SENESCALLO *comite de* Carrick *filio suo primogenito & harede,* Thoma *Comite de* Marr --Georgio *de* Dumbar *Comite* Marchiæ, *Willelmo Comite de*

By this notable Charter, *verbatim* Extracted from the authentick Records, it is evident that *JOHN* afterwards called *Robert* the 3*d.* was eldest Son and Heir to *Robert* the 2*d.* not after the third year of *Robert* the 2*ds.* Reign, nor after *Eupheme Ross's* Death, but in King *David Bruces* Reign, 37. years before *Eupheme Ross's* Death.

Now if King *David Bruce*, and the whole States of the Kingdom do solemnly Recognize and owne *JOHN* eldest Son and Heir to *Robert* Earl of *Strathern*, before *Robert* was KING, and whilst he was married on *Eupheme Ross*, and if all his Vassals and Neighbours did own him also as such, and his Father likewise doing always so.

And if his Father, Queen *Eupheme*, & Queen *Euphem's* Children did own him as such, after he was KING; And if the whole Estates of the Kingdom have, by the most solemn and authentick Document that is extant

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in all our Records, or perhaps in Christendom, and sealed it with their Seals, which is as yet extant in publick Custody; then our Historians Assertion of *Elizabeth Mure*'s being a Concubine, and of her Children's being Bastards, until they were forsooth legitimat by a Marriage, after *Eupheme Rosses* death (And which Marriage was many years after *Elizabeth Mur*'s death, since in an autentick Document after adduced, she is spoke of, as dead, *anno* 1364, and her eldest Son is Witness in that Document) which had been both fraudulent and without Fond in Law, is false, and the whole Superstructure against the Honour of that Lady and her Children, and against the lawful Succession and just Rights of the Crown do fall, as founded on groundless Assertions and Untruths; Since the aforementioned Papers do prove, that *Elizabeth Mure* was lawful Wife, and her Children, lawful and eldest Children to *Robert* the *second*, and that the Right of Succession was due to them thereby, and not by any subsequent Marriage, nor by any Act of Parliament: And therefore *Elizabeth Mure* or *More* was first and lawful Wife to *Robert* Earl of *Strathern*, STEWART, and thereafter KING of *SCOTLAND*, and *John* was his eldest Son and apparent Heir, antecedently to the Act of Parliament, and to *Eupheme Rosses* death.

As the foregoing Collection and Abstracts do fully verifie, that *Elizabeth Mure*'s Children were recognized and owned as King *Robert* the *seconds* eldest lawful Children, and his Son as his eldest Son and undoubted Heir, before *Robert* was King, so soon as he was Crowned King, and in the whole Tract of his Reign, before he married *Eupheme Ros*, during her Marriage, and

after her Death, and that by no leſs evidence, than authentick Deeds and Inſtruments extant, both on Record, and in their Originals, and with no lower Avouchers than Kings and Parliaments in Parliament conveened, and many other authentick Documents of undoubted Faith beſides; a few of which, much more all do make ſo ſtrong a Probation of *Eliſabeth Mure's* Marriage, and the Legitimation of her Children, that they could not be redargued by *Robert* the 2*d.* himſelf, if he would, and are ſtronger proofs thereof, than any perhaps in the World, can produce after ſo long a time; yet to confirm this truth, I ſhall add one, which is not in our Records, but in a very publick one, the notice whereof, came to my knoledge lately by Mr. *Forbes* who came from *Doway*, and had an authentick Extract, which he gave me, whilſt he was Priſoner here; And very long after I had made the former Collection. It is an Abſtract of a Charter granted by *Robert* STEWART of *SCOTLAND*, Earl of *Strathern* in the year 1364. Whereby he gives, grants and founds a Chaplanary in the Church of *Glasgow*, and that for performing an Obligation, under which he did lye to the Biſhop of *Glasgow*, as delegate from the Pope, to grant to the ſaid *Robert* Earl of *Strathern* a Diſpenſation for a Marriage to be contracted betwixt him and *Eliſabeth Mure*, by reaſon of his Affinity, and Conſanguinity with her. The Original of which Charter, with its Seals and Subſcriptions, is as yet extant and entire in the *Scots* Colledge of *Paris*, whether it was carried by *James Beton* Arch-biſhop of *Glasgow*, and depoſitat there with many other authentick Records of that Biſhoprick. The Abſtract of which Deed and Inſtrument follows.

Nos infra ſcripti rogati a clariſſimo viro Ludovico, Ineſe

neſe Reginæ magnæ Britaniæ Eleemoſinario & Primario Collegii Scotorum *in Academia Pariſienſi, ut conveniremus in regale monaſterium ſancti Germani, a pratis ſitum, in hac urbe pariſienſi, illic inſpecturi & diligenter examinaturi Chartam* Roberti *SENESCALLI* Scotiæ, *datam apud* Perth, *Anno Domini milleſimo, trecenteſimo, ſexageſimo quarto, duodecimo die Menſis* Januarii *quæ ſervatur authentica in archivo ejusdem collegii denuo inſtaurati per reverendiſſimum in Chriſto patrem* Jacobum *a* Bethum *Archepiſcopum* Glaſcuenſem *in* Scotia, *qui ſecum vetera Eccleſiæ ſuæ monumenta in hanc Urbem transtulit, & partim in eodem Collegio, ad perpetuam rei memoriam, depoſuit, convenientes anno Domini milleſimo ſexcenteſimo, nonageſimo quarto, die vigeſima ſexta menſis* Maii, *chartam ſupra commemoratam, nobis ab eodem clariſſimo viro* Ludovico Innes *exhibitam, diligenter inſpeximus, examinavimus, & ea cura, qua major adhiberi non potuit, excuſſimus; eamque teſtamur eſſe antiquam, genuinam ſcriptam charactere illorum omnino temporum nullam falſi aut ſuppoſitionis ſuſpicionem facere poſſe ſigillis duobus ſigillatam, quæ teſtamur etiam eſſe antiqua & integra: Ad majorem autem teſtimonii, judiciique noſtri fidem, eandem Chartam, hic de verbo ad verbum deſcribi curavimus: Que talis eſt.*

OMnibus hanc Cartam, viſuris vel audituris, Robertus *SENESCALLUS* Scotiæ, *Comes de* Stratratherne *ſalutem in Domino ſempiternam, cum dudum venerabili patri Domino Zuillano Dei gratia epiſcopo* Glaſcuenſi *fuerit per literas apoſtolicas ſpecialiter delegatum, ut ſupra matrimonio contrahendo inter nos & quondam* Eliſabeth More *dum ageret in humanis, non obſtante impedimento conſanguinitatis & affinitatis contractui matrimoniali prædicto impedimentum, præſtante authoritate apoſtolica diſpenſaret, dummodo duas Capellas*

las vel unam pro arbitrio ipſius epiſcopi perpetuo fundaremus; ac dictus venerabilis pater, conſideratis in hac parte conſiderandis, nobiſcum ſuper impedimento prædicto, authoritate qua ſupra, diſpenſans nobis injunxit ut una Capellania in Eccleſia Glaſcuenſi, *ad unum certum Altare ad penſionem decem mercarum* Sterling *annuatim percipend. de certis Redditibus noſtris fundaretur perpetuo noſque eandem capellaniam ſic fundare, fideliter promiſimus infra certum tempus jam tranſactum, nobis per dictum Epiſcopum limitatum. Noverit univerſitas viſtra, nos ex cauſa præmiſſa dediſſe, conceſſiſſe, & hac preſenti carta noſtra Confirmaſſe pro nobis & hæredibus noſtris perpetuo, Deo, beatæ* Mariæ *Virgini, beato Kentigerno, & uni Capellano celebrat: & celebraturo perpetuo in Eccleſia* Glaſcuenſi *prædicta, decem mercas* Sterling *ad ſuſtentationem ejusdem Capellani annuatim percipend: de annuo redditu quadraginta Librarum* Sterling, *exeunte de terra de Cars Abbatis, infra vice-comitatum de* Stryveline *& nobis & hæredibus noſtris debet. per religioſos viros Abbatem & conventum monaſterii ſanctæ crucis de* Edinburg. *Tenen. haben. & percipien. annuatim in perpetuum eidem Capellano, qui pro tempore fuerit per manus dictorum Religioſorum ad terminos* Pentecoſtes, *& ſancti Martini in hyeme, per portiones æquales in liberam puram & perpetuam Eleemoſynam, adeo liberè, quietè, plenariè & honorificè, ſicut aliqua Elymoſina per totum Regnum* Scotiæ *liberius conceditur, percipitur ſive datur: Et nihilominus totum jus nobis competens per Chartam infeodationis recolendæ memoræ Domini Regis* Roberti *avi noſtri, ſive obligatorum dictorum Abbatis & Conventus ſeu quaſcunque alias Evidentias ad compellendum dictos Abbatum & Conventum ad ſolutionem dicti annui redditus decem Mercarum in Epiſcopum* Glaſcuenſem, *qui pro tempo-*

re

re fuerit, & Capitulum Glaſcuenſe, ſede vacante, per hanc Chartam noſtram perpetuo transferimus, ipſosque & eorum alterum, quantum ad hoc noſtros & hæredum noſtrorum Aſſignatos & Aſſignatum facimus, conſtituimus & etiam ordinamus, ſi forte contingat quod abſit, quod dictæ decem Mercæ annuæ per dictum Capellanum, qui pro tempore fuerit percipi non potuerint, ut eſt dictum, vel ex eo quod dicti Abbas & Conventus ſolvere noluerint, aut compelli non potuerint ad ſolutionem earundem, vel ex eo quod nos, aut aliquis hæredum noſtrorum contra præſentem infeodationem & conceſſionem noſtram ſolutionem dictarum decem Mercarum impediverimus aut impediverit, aut per nos, ſeu alium vel alios, clam vel Palam, directe vel indirectè procuraverimus, ſeu procuraverit impediri, obligamus nos & hæredes noſtros, per omnia bona noſtra, Mobilia & Immobilia ad ſolvend. dictas decem Mercas de aliis Redditibus noſtris, ubi Epiſcopus Glaſcuenſis, *qui pro tempore fuerit, vel Capitulum ejuſdem, ſede vacante, duxerit eligendum, toto tempore quo ceſſatum fuerit, a ſolutione dictarum decem Mercarum percipen. de annuo Redditu ſupradicto, ſubjicientes nos & hæredes noſtros juriſdictioni & coertioni Epiſcopi* Glaſcuenſis *& ipſius Officialis, qui pro tempore fuerint, ut ipſi per omnimodam cenſuram Eccleſiaſticam, nos & hæredes noſtros compellere valeant ad percipienda omnia & ſingula ſupradicta, in quo caſu defecerimus vel defecerint, quod abſit, in aliquo præmiſſorum, & ultra omnia prænotata, nos & hæredes noſtri prædict. Donationem & Conceſſionem noſtram de dictis decem Mercis annuis precipien. ut ſupra de annuo Redditu, prædictis Epiſcopo, Eccleſiæ* Glaſcuenſi *& Capellano, qui pro tempore fuerint contra omnes homines & faminas warrantizabimus, acquitabimus & in perpetuum defendemus.* In cujus rei *teſtimonium noſ ſigillum noſtrum,*

un.

una cum sigillo Joannis *SENESCALLI Domini de* Kyle, *primo geneti & hæredis nostri præsentibus est appensum, his testibus venerabili patre Domino* Roberto *Abbate* Monasterii Killwyning *& Dominis* Joanne *SENESCALLO fratre nostro,* Hugone *de* Eglingtoun *&* Thoma *de* Fausde *militibus,* Joanne Merser *Burgensi de* Perth, Joanne *de* Ross, *&* Joanne Tayt *armigeris, & aliis, apud* Perth *duodecimo die Mensis* Januarii, *anno Domini millesimo trecentesimo sexagesimo quarto.*

Sigilibatur *autem dicta Charta duobus sigillis rotundis ex cera rubra super alba, quorum unum refert fasciam tessellatam in Circumferentia, scriptum habens literis legibilibus* ✠ *sigillum* Roberti *SENESCALLI* Scotiæ, *Alterum item refert fasciam tessalatam duplario limbo, liliis contra positis, consitam in Circumferentia, scriptum habens literis legibilibus. S.* Johis *SENESCALLI. in quorum omnium fidem præsentes literas omnium nostrorum manu subscriptas, sigillo Regalis monasterii insigniri voluimus Datum in eodem monasterio, die & anno supra scripis,* Camillus Lesellice, Abbas *de* Louuois. H. Caille. *F.* Joannes Mabillon, Jalaze Eusebius Renaudot, Nicolaus Clement. *F.* Theodoricus Ruinavt.

Et Nos Hilarius Rouilli, *Dominus du* Caudray *Regi & sanctioribus Consiliis Regiis in supra Rationum Curia procurator ; Qui huic virorum eruditissimorum & rerum antiquarum peritissimorum Conventui interfuimus, & Chartam illam inspeximus & examinavimus eorum sententiam suffragio nostro approbandam duximus, censemusque nullomodo dubitari a quoquam posse, quin ea sit verissima & omni prorsus supicione carens, in quorum omnium fidem hoc nos manu nostra propria subscripsimus, & Sigillum apponi fecimus datum ut supra* Rouille *du* Caudray.

Et

Et Comites Barones & alii Regis magnæ Britanniæ ſubditi infraſcripti, preſentes ſumus dum prædicta Charta inſpiceretur & examinaretur a ſupraſcriptis viris eruditiſſimis & eorum antiquorum peritiſſimis, eandemque nos pariter vidimus, & ſanam & integram reperimus, in quorum fidem has præſentes literas Chyrographis noſtris & ſigillis firmavimus, datum ut ſupra.

This Charter granted on the 12. day of *January*, 1364. in performance of a former Obligation, and on ſo long before, that the eldeſt Son of the Marriage with *Eliſabeth*, *viz.* *JOHN*, is a Witneſs in this Deed, under the Deſignation of the Lord of *Kyle*, and eldeſt Son and Heir to the ſaid *Robert*; ſo that the Diſpenſation, for a Marriage to be contracted, could be no leſs than ten or twelve years before that Date. And conſequently the Marriage with *Elizabeth Mure*, was not in the year 1373. altho' *Eupheme Roſs* had then died, as ſhe did not for ſix years thereafter: but the Marriage behoved to be, at leaſt 20 years before he was King, and 29 years before *Eupheme Roſs* died, according to *Fordan's* account of her Death, and 23 years before her Death, according to *Buchannan* and *Boetius*; and if there were no more to canvell the Authority of the groundles Hiſtories, but this ſingle Document it were more than ſufficient: For it firſt proves that *Eliſabeth Mure* was a perſon of Quality, of Conſanguinty and near Relation to the King; and it is very probable ſhe might have been ſo, ſince the Baron of *Rowallan* was of near neighbour head to the Lords of *Kyle*, and a proper Match for any of the Daughters of that Family: and who by authenitck Documents yet upon Record, and extent in *Rowallans* Charter-Cheſt, appears to have been Heretor of 100 Merk-lands, of Property and

Superiority, of old extant above these 300 years, which is more than the Estate of ordinary Barons: and our Historians telling she was the Daughter of a Knight called Sir *Adam Mure*, and there being then no Families of that Name in *Scotland*, and of that Quality but *Rowallan* & *Abercorn*, those of *Abercorn*, who were co-temporary with *Robert* Earl of *Strathern*, were Reginald the Father, and Sir *William* the Son, and Reginald Son to Sir *William*, but no Sir *Adam*, as appears by several Writs extant in the Records of *Paisly*, in the Reigns of K. *David Bruce*, *Robert the* 2d. and *Robert* the 3d. there are several Charters and Writings on Record, granted to those of *Abercorn*, by the said *Robert* of *Strathern*, but never with the Designation of Consanguineus, or importing any Relation, whereas this Dispensation evinces, that the Family of *Elisabeth Mure*, was in Consanguinity to the said *Robert*: Nor was it a Disparagement for any Earl to marry a Knights Daughter: and about that very time, King *David Bruce* did marry the Daughter of Sir *John Logie*; and *Robert* the third then called JOHN shortly thereafter, whilst PRINCE of *SCOTLAND*, did marry the Daughter of Sir *Drummond*, Predecessor to the now Earl of *Perth*, as appears by a Charter following on a Contract of Marriage, confirming the PRINCE, and the said Lady in several Lands, *anno Regni* 3. which is extant in the Rolls of the Great Seal.

This Charter of Mortification to the Church of *Glasgow* likewise evinces, that this Lady was so far from being a Concubine, that the Earl of *Strathern* was at the pains to procure a Dispensation from the Pope, before he could have her in Marriage: And by the tenor of the Paper, it is clear that the Dispensation was obtained before the Marriage

Marriage was consumate. And yet the eldest Son of the Marriage is a conjunct Disponer in this Charter with his Father, of ten *Merks Sterling* to the Chaplain of *Glasgow* in the year 1364. In which year, and in this most authentick Document, under the Sign and Seal of her Husband, before famous Witnesses, she is spoke of as dead at that time.

Nor was there so great a Disparity betwixt the first and second Marriage, for *Eupheme Ross* was but a Widow, when he married her, and Widow to the Earl of *Murray*; as a Charter granted by *David Bruce*, *anno*, 1341. to *Robert SENESCALLUS* his Nephew, and *Eupheme* Countess of *Murray* his Wife, of the Lands of *Methven* does prove, and is extant in the Records.

And to evince further, that there is certainty enough of *Elisabeth Mures* being *Rowallans* Daughter, there are in *Rowallans* Charter-chest, these following Writings.

Rex,

we charge you to give seizing till *Muir* the Son and Aire to of the Lands Reservand to us the Ward and Releif of ye saids Landis, reservand also the frank tenendry to Dame *Jannet Mure*, whyleom wife to *Adam Mure* Knight; halding yir our Lers. for your Warrand. Given under Our Signet at *Dumfermling*, last day of *Feb.* and of Our Reign, the 23. yheir. Which Precept of Seasin, is directed thus at the end thereof; *Dilectis & fidel. nostris vicec. de Aire & Beliv. de Cunnighame.*

Nota, Where Blanks are left in this Precept, the Words are worn out in the Original, the Paper being torn in several Places.

It is likewise to be Noted, that in the Circum-

ference of the Seal appended to this Precept, there appears yet visibly, *DAVID REX* in plain characters.

ROBertus *Dei gratia Rex* Scotorum, *Omnibus probis Hominibus totius terræ ſuæ Clericis & laicis ſalutem, ſciatis nos dediſſe, conceſſiſſe & hac præſenti Carta noſtra confirmaſſe*, Dilecto Conſanguineo *noſtro* Adæ Mure *de* Rowallane *Militi pro Homagio & ſervitio ſuo nobis impenſis & impendendis, omnes terras de* Rowallane *cum pertinen. jacen. in* Baronia *de* Conyghame, *infra Vice-comitatum de* Aire. *Quæquidem terræ cum pertinentiis fuerunt dicti* Adæ, *& quas dictus* Adam, *non vi aut metu ductus, nec errore lapſus, ſed mera & ſpontanea voluntate ſua, in propria perſona ſua, in præſentia plurium Regni noſtri procerum & fidelium nobis per fuſtem & Baculum ſurſum reddidit, purèque & ſimpliciter Reſignavit, ac totum jus & Clameum, quæ in dictis terris, cum pertinentiis habuit, vel habere, potuit pro ſe & hæredibus ſuis, die Confectionis præſentium in manus noſtras omnino quietem clamavit in perpetuum: Tenendas & Habendas dictas terras de* Rowallane *cum pertinentiis dicto* Adæ, *& hæredibus ſuis, de nobis & hæredibus noſtris in feodo & hereditate, per omnes rectas metas & diviſas ſuas, in unam integram & liberam Baroniam, in boſcis & planis, pratis, paſcuis & paſturis, moris mareſiis, aquis, ſtagnis & vinariis, viis, ſemitis, molendinis, multuris, & earum ſequelis, aucupationibus, venationibus & piſcariis, braſinis & fabrinis, cum furca & foſſa, ſok & ſak, Tholl & Theam, Infang-thief, & outfang-thief, cum ſervitiis liberè tenentium earundem Terrarum de* Rowallane, *cum curiis & earum exitibus; nec non cum omnibus aliis & ſingulis Libertatibus, Commoditatibus, aſiamentis ac juſtis pertinentiis, quibuſcunque*

tam

tam non nominatis, quam nominatis; tam ſub terra, quam ſupra terram, prope & procul, ad dictas terras cum pertinen. ſpectantibus, ſeu quovismodo juſt. ſpectare valentibus in futurum, libere quiete, plenariè integre & honorifice, bene & in pace, Faciendo inde nobis & hæredibus noſtris dictus Adam, *& hæredes ſui tres ſectas, ad tria placita noſtra Capitalia Baroniæ noſtræ de* Cuninghame, *quolibet anno, apud* Irwin. *tenend.* In cujus *rei teſtimonium præſenti Cartæ noſtrum magnum præcipimus apponi ſigillum, teſtibus venerabilibus in Chriſto patribus,* Mattheo *&* Gilberto Glaſguen. *&* Abredonen. *Eccleſiarum Epiſcopis,* Roberto *de* Fife *& de* Menteth *fratre noſtro dilecto,* Archibaldo *de* Douglaſs *Domino* Galawidiæ *conſanguineo noſtro, Comitibus;* Jacobo *de* Duglaſs *Domino de* Dalkeith, Thoma *de* Erskin *conſanguineis noſtris dilectis militibus;* & Alexandro *de* Cockburne *de* Langtoune *Cuſtode magni ſigilli noſtri, apud* Irwing, *undecimo die* Novembris, *Anno Regni noſtri ſecundo,*

ROBERT Duke of *Albany,* Earl of *Fife* and of *Menteith,* and Governour of *Scotland,* til al and ſundry to quhais Knawledge yir preſents Letters ſhall to come, Greeting; for quhy that is meritable thing to bere Witneſs to the ſuthfaſtneſs; and yarefore it is yat we do Witneſs by thir our Letters, yat in our laſt general Counſale halden at *Perth,* with Diliverance of the three Eſtates yair beand aſſemblit, we lete to Borch til Dame *JOHANNE* of *Danyelſtoun* wife to *Quhilome* our Couſin *Adam Muir* of *Rowallan* Knight, alle and ſundry his Lands of the Barony of *Polkelly,* and alle uthurs hir Lands pertenand til hir by way of hir Terce, or otherways of Right and of Law, the whilks were

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recogniſt of lang time in our hands, of before: and this til alle and ſundry that it efferis, or may effere, we make it kend by thir our preſents Letters; to the quhilks we have gart ſet our Sele at *Down* in *Menteth*, the *penultim* day of *Auguſt*, the yheir of our Lord, *mill.* cccc and fifteen, and of our Governal the tend year.

BY which Evidents, 'tis clear, that in the time of *David* the 2*d.* there was a Sir *Adam Muir* of *Rowallan*; that he was alſo in the time of *Robert* the 2*d.* that he had a Son called alſo Sir *Adam*, who in *K. ROBERT* the 3*ds* time, is deſigned in the Charter, *CONSANGUINEUS Noſter*, and was indeed his Couſin German by *Elizabeth Mure*.

AND for further proof, Mr. *David Chalmers*, one of the Senators of the Colledge of Juſtice, a man of Learning and Probity; in an Abridgement writ by him, of all the Popes, Emperors, Kings of *FRANCE*, *SCOTLAND* and *ENGLAND*, which was Printed at *Paris*, and dedicated to King *HENRY* the 3*d* of *France*; and grounding his Proofs, as to *Scots* matters on *Turgot* and Biſhop *Elphinſton*, (who indeed only tranſcribed, and gave ſome Addition to *Veremudus*) and on the Collections of *John Swinton*, and *John Campbel* two Church-men; in Relation to this Subject, hath theſe words: *Ce Roy de Escoſſe* (*viz. ROBERT* the 2*d*,) *meurant laiſſa de Elizabeth fille, d' Adam Mure* Baron *de Rowallan, trois fils & deux filles*, &c.

And Mr. *John Lermond*, Chaplain to *Alexander* Biſhop of St. *Andrews*, in his Collection of the *Scots* Anti-

Antiquities, asserts that he saw a Testificat under the hand of *Roger Mcadam* a Priest, bearing, that he the said *Roger* did marry *Robert* the great STEWART of *SCOTLAND*, to *Elisabeth Mure* Daughter to *Rowallan*.

These Testimonies are Proofs, as much as is ordinarly required for Historical Narrations: But the forementioned Writs bearing the first Sir *Adam* of *Rowallan* and *Polkelly*, to have been co-temporary with King *David Bruce*, and consequently when *Robert* the Great *STEWART* was a Youth; and that the 2*d*. Sir *Adam* is alwise designed *CONSANGUINEUS* by King *Robert* the 3*d*. and by his Brother *Robert* Duke of *Albany*, Earl of *Fife*, Governour of *Scotland*, and both Sons to to the said *Elisabeth Mure*, puts it out of all Reasonable Doubt, that this Lady was a Daughter of that Family.

There is such a heap of Absurdities and Inconsistencies, as well as Falshoods in the Forgery of this Fable, that in pity to our Historiographers, I will prosecute it no further, hoping it may teach all future Writers, to have better Avouchers for their Assertions, than common bruit and open Fame, or to take on Trust, what's writ by former Authors, without authentick Evidence.

The Proofs of this Marriage are so strong and clear, as to leave no Doubt, except that of their being too clear; for why should one design his Son always his eldest Son and Heir, unless it had been doubtful that he was so? *Object.* 1.

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As this is but a ſilly Conjecture, in ballance with the leaſt of the former Evidences, ſo it will only occur to thoſe, who are little acquainted with the *Stile* of Writings at that time; for there are hundreds of Charters by privat *Subjects* ſtanding on Record, then and thereafter with the very like Deſignations.

Objcct. 2. A ſecond ſcruple is, why ſhould a Parliament recognize *JOHN* to be King *Robert* the *2ds.* Son and Heir, unleſs there were ground to doubt it? And that an Act of Parliament was neceſſary to make that be believed.

But if they read this, that they call an Act of Parliament Recognizing *John*'s Title, they will find a Narration ſufficient to anſwer their Objection; and thoſe who are acquaint with our Hiſtory, know that it was ordinary for our Kings to make publick Declarations of their eldeſt Sons Succeſſion: *David* the firſt did ſend *Malcolm* his eldeſt Grand-child, by *Henry* the *Prince*, with *Mcduff* Earl of *Fife*, through the whole Kingdom, to be ſhewen and declared as his *Succeſſor* and Heir: but this Cuſtom was judged more neceſſary by King *Robert Bruce* and his Succeſſors; For the debate in the Succeſſion, betwixt the *Baliol* and the *Bruce*, having brought the Kingdom to the very Brink of Ruine; King *Robert* the *Bruce* before his Death, did in Parliament declare, that *David* his Son was his undoubted Heir and Succeſſor; albeit, at that time, he had neither *Son* nor Brother but *David* only. Which is one of Mr. *Cookes* miſtakes, who writes as if *Edward Bruce* his Brother were then alive, whereas he was dead long before.

King *David Bruce*, after his Fathers Example, did in a Parliament at *Scoon*, Publiſh and Declare that *Robert* Earl of *Strathern*, his Siſters *Son*, was his undoubted

doubted Heir and *Succeſſor*, albeit, at that time, there was none of that Family to compete with him.

And as this Inſtrument, before inſert, does narrate that this wiſe King, in Example of his Predeceſſors did publiſh this *Document*; ſo neither wanted their good Reaſons, why theſe three laſt Kings ſhould have done ſo; the Crown having been, but lately before tranſported from the *Baliols* to their Family: ſo that albeit there was no ſhadow of Competition in their own Family; yet there was no imprudence in engaging the Parliament to own their Succeſſion, and to put frequent Bars upon the Door againſt the Race of the *Baliol*, which then did exiſt both in the *Baliol* and the *Cumming*.

The laſt frivolous Objection is: why did our Hiſtorians unanimouſly aſſert *Eliſabeth Mure's* being married to *Robert* the 2*d*. after *Euphême Roſs's* Death, that is to ſay, there are very great proofs that *Eliſabeth Mure* was King *Roberts* Wife, but ſome will not believe the truth, unleſs you tell why our Hiſtoriographers did ſo: to which this is a ſufficient Anſwer; you ſhould believe truth, becauſe it is proven, and reject the Aſſertion, which is redargued by ſo many Demonſtrations: but if you will allow me, after clear Demonſtrations of their Error, to make ſome Excuſe for their raſh Injuries; I offer theſe Conjectures, *viz*. *Object.* 3.

Major, the eldeſt of theſe Hiſtorians, wrote his Hiſtory in the beginning of Queen *Maries* Reign, ſome 200. years after *Eliſabeth Mure's* Marriage, he cites no Author, nor can we learn of any that he had, except the Manuſcript of the Continuator of *Fordan*, an obſcure

man whose Writings shew, that he did take common Reports as Proofs and Warrants for his Assertions; but *Fordan*, who wrote before that time, hath not the least Assertion of this, so considerable a matter, had it been true; and *Majors* Philosophy, as well as his History, does sufficiently shew, that he did take for truth, what others reported at Random.

Boetius's Business was to give good Latine to the Collections of his Predecessors, and he was happy enough in Writing, had he not unhappily stuffed it, with too many Fables, which we must only impute to his easie Nature.

Lesly, had no Design in writing his History, but to assert his Queens Right, and resent the Injuries done her; and therefore minded little to put his Authors to the Test of Record.

Buchanan, who was to support a bad Design by writing excellently, his care was not to canvell Falshoods, especialy when they contributed to his purpose, as this Imputation, bound on *Elisabeth Mure* and her Succession, did; and albeit the first must needs have founded the Account on false Report, and never looked into the Records, which had they done, that which now appears clearly to us in redarguing that Falshood, would certainly have done so to them: so the succeeding Authors have this Excuse (tho' I confess a bad one) that they found their Falshood on what was writ before them: And perhaps even the first of them, by a supine inadvertence having heard, that *Robert* the 2*d*. after Queen *Euphem's* Death, had Children

dren by a Concubine, to whom he had great Kindneſs and that this Concubin's Name was *Moram*, did ignorantly confound this Concubine *Moram*, with his firſt Wife *Mure*.

My Conjecture is founded on this following Charter.

ROBERTUS *Dei gratiâ, Rex* Scotorum, *ſciatis nos dediſſe, & hac præſenti Cartâ noſtrâ Confirmaſſe* JOANNI SENESCALL. *genito inter nos & dilectam noſtram* Moram, *omnes & ſingulas terras noſtras de* Ballachie, *& de* Moncreiff, *cum pertinen. in* Thanagio *de* Kinclaven, *infra vice-comitatum, &* Perth, *Tenen & Haben. eidem* Joanni, *& hæredibus ſuis de Corpore ſuo legitime procreandis, quibus utiq; forſitan deficientibus, dilecto filio noſtro* JACOBO SENESCALL. *genito inter nos &* Mariotam *de* Cairden, *& hæredibus ſuis de Corpore ſuo legitime procreandis, Quibus utique forſitan deficien. ALEXANDRO SENESCALL. dilecto filio noſtro de dicta* Mariota *genito, & hæredibus ſuis, de Corpore ſuo legitime procreandis: quibus ſimiliter fortaſſe deficientibus, ad nos & hæredes noſtros Reges* Scotiæ, *plenarie & perpetuo revrſuris,* &c. Reddendo *unum denarium,* &c. *apud* Perth, 15. January, anno Regni *noſtri* 12.

This Charter gives you Account of 4. Sons of King *Robert* the 2*d.* and two Concubines, never mentioned in our Hiſtories, *Moram* ſeems to have been the laſt of the two Concubines, becauſe her Son *John's* Charter bears a Tailzie of his Lands to the youngeſt Son of *Mariota*, and failing of him to the ſecond Son of *Mariota*

riota, and failing of him to the eldeſt Son of *Mariota*: For another Charter, granted to *Mariota* of the Lands *de nigra Aula*, and others makes JOHN to be her eldeſt Son, *Alexander* the 2*d*. and *James* the 3*d*. what this *Mariota* or *Moram* were, I know not, that being nothing to our purpoſe: But if any pleaſes to palliate our Hiſtorians Error, by their placing *Moram* the laſt Concubine, for *Eliſabeth Mure* the firſt undoubted Wife, they may for me, ſo they likewiſe tell that *Eliſabeth Mure* was dead long before the year 1364.

And thus the Propſition of this whole ſyllogiſm being undenyable, the Aſſumption being proven by ſo many *Mediums*, I preſume no rational man will deny his Aſſent to the Concluſion, and confeſs that *Eliſabeth Mure* was the firſt and lawful Wife of *Robert* Earl of *Strathern*, STEWART of *SCOTLAND*, and that all her Children were lawful Children, and the eldeſt called firſt *JOHN*, and thereafter *ROBERT* the 3*d*. was the lawful undoubted Heir of the Crown.

And his Title behoved to be eſteemed ſacred by the whole Nation, when they ſo peaceably obeyed him and own'd his Soveraignity, altho he was one of the weakeſt men, both of Body and Mind, that ever was amongſt our Kings: which alſo Guarded him and his Infant Children from the Rebellion of his Subjects, and the Uſurpation of his Relations, albeit Occaſions ſeemed to favour ſuch Inclinations in his Uncle the Governour, a man of great Wiſdom and Action, and Vicegerent very long in the Royal Power; and who as ſome write, wanted not Inclinations to aſpire, had he not been keep't down, by his Brother and Nephew's juſt Title.

And

And had there been a Shadow of Right in the Children of *Eupheme Roſs*, who were ſtrengthened with ſo many and ſo great Relations in the Kingdom, it had been a meanneſs in them, never to claim their Right, from ſo ſilly a Brother, and infant Nephews,

But the Impediment did ly in the undoubted Title of *ROBERT* the 3*d*. and of his Son *James* the 1*ſt*. which made the whole Nation reſent the Attempt made for the Crown by the Children of *Eupheme Roſs*, in the Earl of *Athol's* murdering of *James* the firſt, by a Revenge of that Deed famous over *Europe*; and moved moſt certainly from the then Notoriety of King *JAMES'S* Title.

F I N I S.

The *Descent* of K. *Charles* the 2d from *Fergus* the 1st.

Charles 2 Son to
Charles 1 Son to
James 6 Son to
Queen *Mary* Daughter to
James 5 Son to
James 4 Son to
James 3 Son to
James 2 Son to
James 1 Son to
Robert 3 Son to
Robert 2 Son to ---------- *Marjory* Sister to *David*, and Daughter to
Robert 1 Son to ---------- *Robert* Earl of *Carrick*, Son to *Robert Bruce*, who competed with the *Baliol*, Son to *Isabel* Daughter to *David* Earl of *Huntingtoun*, Son to *Henry* Prince of *Scotland*, Son to

David 1 Son to
Malcolme Canmoir Son to
Duncan Son to--- *Beatrix* Daughter to
Malcolme 2 Son to
Kenneth 3 Son to
Malcolme 1 Son to
Donald 6 Son to
Constantine 2 Son to
Kenneth 2 Son to
Alpine Son to
Achaius Son to
Etfinus Son to
Eugenius 7 Son to
Finnanus Son to
Eugenius 5 Son to ------- *Dongard*, Brother to *Maldum*, and Son to
Donald 4 Son to
Eugenius 4 Son to
Aidanus Son to
Connanus, Son to
Dongardus, Son to
Fergus 2 Son to

Erthus

Erthus Son to
Ethodius 3 Son to
Fincormachus Son to ..... *Alduin*, Son to *Baldus* Son to
Findocus Son to
Athirco Son to
Ethodius 2 Son to
Ethodius 1 Son to ..... *Adona* Sister to *Mogallus*, and Daughter to *Bengillis*, Sister to *Corbred* 2, and Daughter to
Corbred 1 Son to ..... *Cadallam*, Son to *Egelfa*, Sister to *Metellanus*, and Daughter to *Birfa*, Brother to *Ederus*, and Son to
Dochamus Son to
Durftus Son to
Finnanus Son to
Jofina Son to
Reutherus Son to
Dornadilla Son to
Mainus Son to
FERGUS I.

FINIS.

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